

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN H. SHAKESPEARE,

Plaintiff,

vs.

CITY & BOROUGH OF JUNEAU,
et al.,

Defendants.

Case No. 1:05-cv-0015-JWS

ORDER REGARDING
WAIVING THE FILING FEE

John H. Shakespeare, representing himself, has filed a civil rights complaint, along with an application to waive the \$250 filing fee in this case.¹ Because Mr. Shakespeare stated that he had a pending state court case involving the same facts involved in this action, the Court required Mr. Shakespeare to show why the Court should not abstain from deciding this case, while his state court case is being litigated.²

¹ See Docket Nos. 1, 2.

² See Docket Nos. 2, 4.

Mr. Shakespeare has filed a response, indicating that his state court case is based upon the state's right to privacy, and that the present case is based upon his federal constitutional rights.³ In particular, Mr. Shakespeare has provided a state court order, denying his summary judgment motion, which specifically states that Mr. Shakespeare has "the alternative remedy of filing a 42 USC § 1983" case in state or federal court.⁴ Because Mr. Shakespeare has adequately shown why the exercise of jurisdiction by this Court will not interfere with his state judicial proceedings, the Court will now address his application to waive the filing fee.⁵

Mr. Shakespeare did not provide full and complete financial information on his application, so the application is, therefore, deficient. For example, Mr. Shakespeare did not provide information about his last employment, and did not say how long he has received government assistance.⁶ The Court must have full and complete information about a party's financial status to make a decision about fees, and it has developed a form to obtain all the information it needs.

Mr. Shakespeare will be allowed to file a new application on the enclosed Court form. Mr. Shakespeare is reminded to answer **all** questions on the application fully, completely and directly, or the application will be denied. If a question does not

³ See Docket No. 5.

⁴ See *id.*, Exhibit B at 7-8.

⁵ See Docket No. 4 at 7.

⁶ See 1 at 2, questions 3 and 5a.

apply, answer "N/A"; otherwise answer "yes" or "no", check all applicable boxes, fill in all blanks, and provide complete information as requested. The form must be **signed and dated**.

IT IS HEREBY ORDERED that:

1. Mr. Shakespeare's application to waive the filing fee, at docket number 1, is DENIED with leave to amend;
2. Mr. Shakespeare shall file an amended application to waive the filing fee **on the enclosed form**, as explained in this Order, or pay the Court's \$250.00 filing fee on, or before **March 17, 2006**; otherwise this action will be dismissed without further notice;
3. The Clerk of Court is directed to send form PS11, Application to Waive the Filing Fee, with instructions, to Mr. Shakespeare with this Order;
4. In the alternative, Mr. Shakespeare may file the enclosed notice of voluntary dismissal, without prejudice, on or before **March 17, 2006**;
5. The Clerk of Court is directed to send form PS09, Notice of Voluntary Dismissal, to Mr. Shakespeare with this Order;
6. Mr. Shakespeare shall provide the Court with the original, plus one complete and legible copy, of every paper he submits for filing, as required by this Court's Local Rule 5.1(b);

7. No further action will be taken on the pending motion for appointment of counsel, at docket number 3, until Mr. Shakespeare fully complies with this Order.

DATED this 15th day of February, 2006, at Anchorage, Alaska.

/S/JOHN W. SEDWICK
United States District Judge